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FBI Acknowledges Agent's Error**'Plot' to Slay King Left Unchecked for 5 Years**

New York Times News Service

Information concerning an alleged plot to assassinate Dr. Martin Luther King Jr. remained unchecked for five years because an agent in the FBI's St. Louis field office disregarded a basic regulation concerning the dissemination of criminal information, bureau officials acknowledged yesterday.

Homer Boynton, the chief spokesman for the bureau, said the handling of the information had been in "violation of established rules and procedures." But he also said the bureau was convinced that the mishandling resulted from an "administrative error" and not from any attempt to block a full investigation of the murder, which occurred five years earlier.

Boynton said that the agent responsible had retired some time ago and that no formal inquiry was planned. He also said that the bureau would not investigate the alleged assassination plot because of an agreement with the House Select Committee on Assassinations not to investigate matters also being studied by the committee unless the committee asks it to do so.

ALTHOUGH BOYNTON dismissed the matter as an honest error, a number of FBI and Justice Department sources said the disclosure was causing "great embarrassment" at bureau headquarters.

They also noted that the failure to investigate the allegations promptly might have been costly, because the second of the two men said to have offered \$50,000 for the murder of King has since died, making the story far more difficult to corroborate or discredit.

The allegations were first transmitted to the bureau in 1973 by an informer who told an agent in the St. Louis office that Russell G. Byers, a former auto parts dealer in that city, had said that he was offered \$50,000 in 1966 or 1967 to arrange for the murder of King.

The agent, whom the FBI officials refused to identify, reportedly prepared a report containing the information, placing one copy in a file on the informer and another in a file on Byers. Bureau officials said the agent did not, however, follow a regulation requiring agents to forward any information about a specific crime to agents working on the case.

"**HE MAY HAVE** thought it was a frivolous allegation, but that wasn't his decision to make," said one FBI source, who did not want to be identified by name. "The information was supposed to go to a supervisor or some agent who had worked that investigation for them to evaluate."

The information did not surface until about four months ago, when an FBI agent checked the file on Byers, who had been implicated in the theft of a

statue from a St. Louis museum. Bureau officials said the agent realized that the information had never been disseminated and took it to a supervisor, who sent it to bureau headquarters in Washington.

The Justice Department then transmitted the information to the House committee, which subsequently obtained sworn testimony from Byers that the proposal had been made to him on behalf of an unnamed businessmen's group by two Imperial, Mo., men, John H. Sutherland and John R. Kauffmann.

SUTHERLAND DIED of a heart attack in 1970. Kauffmann died in 1974, the year after the information about the alleged plot was given to the FBI.

Byers's testimony has not been corroborated by any physical evidence, and the widows of the two men he named have said they do not believe their husbands could have been parties to any such scheme.

The House committee, however, is pursuing the allegation, partly because of a series of circumstantial links between Byers, the two men and people inside the Missouri State Penitentiary, where James Earl Ray, later convicted of killing King, was incarcerated at the time of the alleged offer.

Ray escaped from the prison April 23, 1967, almost a year before King's slaying in Memphis on April 4, 1968.